

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

CHAS.HUDE A/S  
H.C. Andersens Boulevard 33  
DK-1780 Copenhagen Signature J.nr. Ing.  
DANEMARK

PA 79485 ZEU

21 FEB. 2005

AS 400

Til hvem  
Zu

PCT

## NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

21.02.2005

Applicant's or agent's file reference  
79485

### IMPORTANT NOTIFICATION

International application No.  
PCT/DK2004/000521

International filing date (day/month/year)  
02.08.2004

Priority date (day/month/year)  
05.08.2003

Applicant

THOMSEN, Jorn Oddershede

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/B/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - P.O. Box  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Rossi, C

Tel. +31 70 340-3322



**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
**(Chapter II of the Patent Cooperation Treaty)**  
**(PCT Article 36 and Rule 70)**

Applicant's or agent's file reference 79485	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/DK2004/000521	International filing date (day/month/year) 02.08.2004	Priority date (day/month/year) 05.08.2003	
International Patent Classification (IPC) or national classification and IPC A23K1/175, A23K1/10, A23K1/18, A61K33/38, A61K35/32			
Applicant THOMSEN, Jorn Oddershede			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 5 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of 2 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application			
Date of submission of the demand 12.01.2005	Date of completion of this report 21.02.2005		
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Rooney, K Telephone No. +31 70 340-3931		

10/566729

INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY

International application No.  
PCT/DK2004/000521

IAP20 Requested 02 FEB 2006

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-15 as originally filed

**Claims, Numbers**

1-12 received on 12.01.2005 with letter of 12.01.2005

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
- 3.  The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):
- 4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/DK2004/000521

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/DK2004/000521

**Re Item V.**

**1 The following documents are referred to in this communication:**

- D1: US-A-6 017 901 (KHAN RIAZ ET AL) 25 January 2000 (2000-01-25)
- D2: WO 96/35720 A (KHAN RIAZ ; KONOWICZ A PAUL (GB); FIDIA ADVANCED BIOPOLYMERS SRL (IT);) 14 November 1996 (1996-11-14)
- D3: US-A-4 746 504 (GREENMAN BENJAMIN ET AL) 24 May 1988 (1988-05-24)
- D4: EP-A-0 480 189 (ALTERGON SA) 15 April 1992 (1992-04-15)
- D5: US 2003/099718 A1 (BURRELL ROBERT EDWARD ET AL) 29 May 2003 (2003-05-29)
- D6: DATABASE WPI Section Ch, Week 199816 Derwent Publications Ltd., London, GB; Class B04, AN 1998-177283 XP002296635 & RU 2 087 148 C1 (TRETYAKOV V V) 20 August 1997 (1997-08-20)

**2. Novelty**

The documents D1-D5 disclose compositions suitable for use as a supplement which contain hyaluronate (a material derived from cartilage) and a silver salt (see D1-D5: passages cited in search report). The subject-matter of claims 1 and 11 differs from the teaching of these documents in that cartilage is used. Therefore, the present application meets the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1 and 11 is new in the sense of Article 33(2) PCT.

**3. Inventive Step**

The present application meets the criteria of Article 33(1) PCT, because the subject matter of claims 1 and 11 is considered to involve an inventive step in the sense of Article 33(3)PCT.

Document D6, which is considered to represent the most relevant state of the art to the subject matter of claims 1 and 11, discloses compositions containing colloidal silver. The compositions are used for treating distemper and parvoviral enteritis in livestock animals such as mink (see D6; abstract). The subject-matter of independent claims 1 and 11 differs

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/DK2004/000521

from the disclosure of D6 in that a material derived from cartilage is added additionally to the composition. The effect of this addition is that smaller amounts of silver compound can be used in the compositions while retaining its therapeutic properties. Therefore the objective problem solved by the compositions of the present invention is a means of reducing the required concentration of silver in supplements. The means by which this problem is solved; namely the synergy provided by the addition of cartilage is not suggested by the available prior art.

**4. Dependent claims**

Claims 2-10 and 12 are dependent on claims 1 and 11 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.